



CITY OF BURLINGTON PLANNING DIVISION

Rezoning Procedures Conditional Rezoning Application

OVERVIEW

The City of Burlington Zoning Ordinance contains public hearing procedures whereby property may be rezoned to a general use zoning district or conditionally rezoned along a set of specific guidelines requested by the property owner.

TYPES OF REQUESTS

General Purpose Rezoning

The Zoning Ordinance provides a variety of residential, commercial, office, and industrial zoning districts from which to choose. A general purpose rezoning request requires the Planning & Zoning Commission to consider all uses permitted in the requested zoning district.

Conditional Rezoning

Several Conditional Zoning Districts have been established to provide flexibility. These districts are designed to insure the compatibility of a proposed use with the surrounding area. A conditional zoning request permits the applicant to condition or limit the uses allowed on the site and offer development standards that exceed those found in the Zoning Ordinance. A zoning sketch plan must accompany a conditional rezoning request.

CONSIDERATION OF REQUESTS

The decision to approve or deny a request rests with the City of Burlington City Council. The City of Burlington Planning & Zoning Commission make recommendations to the City Council. Positive recommendations are automatically forwarded to the City Council. Recommendations against a request are final, unless appealed. Appeals are heard by the City of Burlington City Council.

The administration, amendment and enforcement of the Zoning Ordinance and Official Zoning Map are accomplished within the framework of the City of Burlington Comprehensive Plan and its supporting documents:

- ☐ SW Area Land Use Plan
- ☐ Thoroughfare Plans
- ☐ Area Plans
- ☐ Parks, Recreation and Open Space Plans
- ☐ Capital Improvement Plans
- ☐ Existing Conditions

These documents and the policies they represent are essential in the evaluation of the impact and appropriateness of each request.

PROCEDURES

Pre-Filing Conference

A pre-filing conference is recommended for anyone planning to file an application. This informal meeting allows staff to provide guidance in identifying the most appropriate zoning district for the proposed use, share applicable land use plans, and indicate a likely recommendation to the Planning & Zoning Commission. This should be scheduled in the weeks prior to the submission deadline.

Filing

Filing for a rezoning or conditional rezoning requires:

- ☐ A completed and signed Application Form;
- ☐ Application fee; and
- ☐ A Zoning Sketch Plan or site plan if required.

These items must be submitted on the submittal deadline date listed below. Failure to submit the required items on time may delay the processing of the application and scheduling of the public hearing. It is recommended that applications be hand-delivered to the Planning and Community Development Department.

2006 Planning & Zoning Commission Meeting Schedule¹

Application Submittal Deadline 5:00 pm ²	Planning & Zoning Commission Meeting 7:00 pm	Decision Appeal Deadline 5:00 pm
January 6, 2006	January 23, 2006	February 23, 2006
February 10, 2006	February 27, 2006	March 27, 2006
March 10, 2006	March 27, 2006	April 27, 2006
April 7, 2006	April 24, 2006	May 24, 2006
May 5, 2006	May 22, 2006	June 22, 2006
June 9, 2006	June 26, 2006	July 26, 2006
July 7, 2006	July 24, 2006	August 24, 2006
August 11, 2006	August 28, 2006	September 28, 2006
September 8, 2006	September 25, 2006	October 25, 2006
October 6, 2006	October 23, 2006	November 27, 2006
November 10, 2006	November 27, 2006	December 27, 2006
TBA	TBA	TBA

¹ All deadlines and meeting times and dates are subject to change. Please check with the Planning Division Staff to confirm dates and times.

² Prior to submittal to the Planning and Zoning Commission, all items that need to be reviewed by the TRC must either: (a) receive approval from the TRC; or (b) obtain at least two (2) reviews without approval by the TRC.

Notice

Notification of a public hearing is required under state law. This consists of:

- Notice by posting of a sign on the subject property approximately ten (10) days prior to the Planning & Zoning Commission meeting.
- Notice by newspaper advertisement in the Legal Section of the Burlington *Times-News*. The ad is published twice – the first mailing between ten (10) and twenty-five (25) days and the second in a separate week from the first.
- Notice by first class mail, to all adjoining and contiguous property owners mailed between ten (10) and twenty-five (25) days before the meeting.

Public inquiries often result from the notification process. The applicant may contact staff to inquire about citizen comments prior to the public hearing.

BEFORE THE MEETING

Discussion with interested parties

It is recommended that the applicant discuss his/her plans with adjoining property owners, neighborhood associations and other interested parties prior to the public hearing.

Staff Report

Staff prepares a report for each case, which includes the staff recommendation. The report is available three or four days prior to the public hearing, and anyone may request a copy.

Withdrawals

A request to withdraw must be made in writing, signed by the applicant and submitted to planning staff.

If public notification has already been made, a withdrawal may only be granted by the Planning & Zoning Commission. Attendance at the meeting is required, and the applicant is not eligible for a refund.

Continuances

A continuance of a request may only be granted by the Planning & Zoning Commission. Attendance at the meeting is required. If granted, the Planning & Zoning Commission will set a new date for the public hearing. The Planning & Zoning Commission may only continue a request for a total of sixty (60) days.

THE MEETING

The applicant, or his/her representative **must** be present for the public hearing. Planning & Zoning Commission meetings are held in the Council Chambers of the Municipal Building 425 S. Lexington Ave., Burlington. The Planning & Zoning Commission typically consists of twelve (12) seated members.

Meeting Format

At the beginning of each meeting, the Chair of the Planning & Zoning Commission reviews the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the public hearing is opened.

During the public hearing, the applicant, his/her representative, or anyone in favor of the request will have an opportunity to address the Planning & Zoning Commission. Next, anyone in opposition to the request will be given an opportunity to speak.

Maps, photographs, diagrams and other presentation materials may be incorporated into public hearing presentations. Any materials presented to the Planning & Zoning Commission remain with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

Outcomes

A majority favorable vote constitutes a favorable recommendation of the request, which is automatically forwarded for a public hearing before the City Council. Requests receiving an unfavorable vote to deny, or a tie constitute a denial unless appealed.

Appeals

A decision of the Planning & Zoning Commission may be appealed to the City Council by any interested party, including the applicant. The appeal must be submitted to the City Manager in the form of a written letter within 30 days of the Planning & Zoning Commission decision.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the City of Burlington Zoning Ordinance in any legal proceeding.



**CITY OF BURLINGTON
PLANNING DIVISION**

**Conditional Rezoning
Application, Part I**

Date Submitted: _____ Fee/Receipt #: \$ _____ / _____ Case Number: _____

Provide the required information as indicated below. Pursuant to the City of Burlington Zoning Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Planning Division. Additional sheets for tax references, signature blocks and conditions are available upon request.

Pursuant to Section 32.19 of the City of Burlington Zoning Ordinance, the undersigned hereby requests the City of Burlington to rezone the property described below from the _____ zoning district to the _____ zoning district.

Said property is located _____

_____;

Being a total of: _____ acres.

Further referenced on the following Alamance County or Guilford County Tax Maps as (additional tax reference sheets available upon request):

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Check One:

- ☐ The property requested for rezoning is an entire parcel or parcels as shown on the Alamance or Guilford County Tax Map.
- ☐ The property requested for rezoning is a portion of a parcel or parcels as shown on the Alamance or Guilford County Tax Map; a written legal description of the property and a map are attached.

Check One:

- ☐ Public services (i.e. water and sewer) are not requested or required.
- ☐ Public services (i.e. water and sewer) are requested or required.

Conditional Rezoning Requirements

- ☐ Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to 32.19 of the City of Burlington Zoning Ordinance for conditional rezoning requirements.
- ☐ Zoning Conditions. Use and/or development conditions must be provided. Complete Part Two of this application. Refer to uses as listed in Table of Permitted Use, Section 32.9 of the City of Burlington Zoning Ordinance.



**CITY OF BURLINGTON
PLANNING DIVISION**

**Conditional Rezoning
Application, Part II**

Use Conditions

Uses of the property shall be limited to the following uses as listed in the Table of Permitted Uses, Section 32.9 of the City of Burlington Zoning Ordinance:

- 1) _____

- 2) _____

- 3) _____

- 4) _____

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the City of Burlington Zoning Ordinance:

- 1) _____

- 2) _____

- 3) _____

- 4) _____

A Conditional Rezoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of the City of Burlington and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from the City of Burlington Planning and Community Development Department may enter the subject property for the purpose of investigation and analysis of this request. Additional signature pages are available upon request.

Respectfully Submitted,

Property Owner Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Representative Signature (if applicable)

Name

Mailing Address

City, State and Zip Code

Phone Number



CITY OF BURLINGTON PLANNING DIVISION

Additional Tax References and Signatures

Case #: _____

Additional Tax Map References

Further referenced on the Alamance or Guilford County Tax Maps as:

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Tax Map # _____ Block # _____ Lot # _____

Additional Signatures

I hereby agree to conform to all applicable laws of the City of Burlington and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from the City of Burlington Planning and Community Development Department may enter the subject property for the purpose of investigation and analysis of this request.

Applicant Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Applicant Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Applicant Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Applicant Signature

Name

Mailing Address

City, State and Zip Code

Phone Number



**CITY OF BURLINGTON
PLANNING DIVISION**

Additional Conditions

Case #: _____

Additional Use Conditions

Uses of the property shall be limited to the following uses as listed in the Table of Permitted Uses, Section 32.9 of the City of Burlington Zoning Ordinance:

- 5) _____

- 6) _____

- 7) _____

- 8) _____

- 9) _____

- 10) _____

- 11) _____

Additional Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the City of Burlington Zoning Ordinance:

- 5) _____

- 6) _____

- 7) _____

- 8) _____

- 9) _____

- 10) _____

- 11) _____
